

Notice of Allowability

Application No.

09/933,881

Examiner

James S. Wozniak

Applicant(s)

SUEYOSHI ET AL.

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/9/2005 interview.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 01 September 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/29/2005.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response after Interview

1. With regards to the interview conducted on 3/9/2005 with the applicant's representative, Mark Saralino (Reg. No.: 34,243), the previous art rejections have been withdrawn. In the interview the applicant's representative argued that the prior art of record fails to teach the generation of a number of blocks of invalid dummy data based on a reduced sampling rate. As noted in the interview, these blocks of invalid dummy data are transmitted separately from a valid audio data blocks and have a size equal to a block of valid audio data generated at a full audio codec sampling rate. In light of this interview, Claims 1-10 are allowable over the prior art of record for the reasons given below.

Allowable Subject Matter

2. **Claims 1-10** are allowable over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:

With respect to **Claims 1, 5, 6, and 10**:

Although Nishiwaki et al (*U.S. Patent: 5,953,375*) teaches the generation of a separate invalid padding (dummy) packets based on a particular sampling rate (Col. 14, Lines 31-49; and Fig. 3), Nishiwaki does not teach that these packets are transmitted separately from a first valid

encoded audio frame, wherein padding packets (blocks), generated based on a reduced sampling rate ($1/N \times F$, wherein $N \geq 2$), each have a data size equal to a block of valid audio data generated at a full audio codec sampling rate. Nishiwaki instead relies on padding data to maintain a particular overall packet length (Abstract and Fig. 3). In other words, Nishiwaki utilizes a separate padding packet to fill in empty overall packet space resulting from a reduced sampling rate. In Nishiwaki, a full audio codec sampling rate would utilize an entire packet, while, for example, a half rate sampling rate overall packet would consist of a half valid audio packet and a half invalid padding packet. Thus, in Nishiwaki the padding packets would not each have a data size equal to a block (packet) of valid audio data generated at a full audio codec sampling rate.

The prior art of record also fails to explicitly teach or fairly suggest the above features in combination with an audio encoder capable of generating the dummy blocks and valid audio blocks each featuring a management header which includes information indicating that the data stored within the dummy block(s), generated based on a reduced sampling rate ($1/N \times F$, wherein $N \geq 2$), is invalid, the data stored in an audio block is valid, and the type of encoding method utilized for block generation.

Since dependent claims 2-4 and 7-9 have been argued as further limiting an allowable independent claim, these claims are also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lokhoff et al (*U.S. Patent: 6,691,086*)- teaches an encoder capable of generating a null packet, but the number of generated null packets is not based on a sampling rate and null packet structure is not specifically disclosed.


Kumaki et al (*U.S. Patent: 6,798,006*)- teaches the generation of a number of padding frames based on bit rate, however the number of generated N padding frames is not based on a reduced sampling frequency of $1/N \times F$.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
3/29/2005


DAVID L. OMETZ
PRIMARY EXAMINER